**HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA**

**W.P.No.25887 of 1997**

**Dated 8th day of February, 2007**

Between:

Buchanna and two others .. Petitioners

And

The Joint Collector,
Adilabad District, Adilabad
and four others .. Respondents

**O R D E R**:

This writ petition is filed to quash the order dated 28.7.1997 passed by the 1st respondent confirming the order dated 5.1.1995 of the 2nd respondent and consequently hold that the petitioners are entitled to be in possession of the entire extent of Ac.14.39 cents of land.

The brief facts of the case are that the petitioners and others are in possession of an entire extent of Ac.14.39 cents of land in S.Nos.444, 445/1, 445/2 and 453 situated in Bhainsa village of Adilabad District. These lands are service inam lands granted for the maintenance of Sri Balaji Venkateswara Temple in Mudhole village. One Narayana Sastry, who died in 1983, was the inamdar of these lands. The 3rd respondent is the adopted son of Narayana Sastry. Prior to the petitioners, their ancestors paid lease amount to the Inamdar and his successors regularly. When the petitioners filed an application before the 2nd respondent-Revenue Divisional Officer for occupancy certificates, he directed the 4th respondent-Mandal Revenue Officer, Bhainsa to conduct an enquiry and submit report. The Mandal Revenue Officer, after holding the enquiry, submitted a report. Not being satisfied with the report, the 2nd respondent passed orders dated 5.1.1995 declaring that the possession of the land by the petitioners is illegal and directed for resumption of the land to the Government. Then, the petitioners filed W.P.No.6486 of 1995, which was disposed of with a direction to the petitioners to prefer an appeal before the 1st respondent and their possession should not be disturbed pending appeal. The petitioners preferred an appeal before the 1st respondent, who dismissed it by the impugned proceedings

confirming the order of the 2nd respondent.

Heard the learned counsel for both the parties.

The learned counsel for the petitioners has submitted that having regard to the fact that the petitioners are in continuous possession of the entire extent of the land in question for more than 50 years, the authorities may consider the feasibility of granting pattas and for any reason, it is not possible for assignment of land by granting pattas, at least the petitioners may be permitted to purchase those lands by paying 3/4th of the market value in favour of the respondents. In this context, the learned counsel has drawn my attention to Section 83 of the A.P. Endowments Act, 1987 (for brevity "the Act").

In the light of the said submission, this Court deems it appropriate to direct the petitioners to submit an application to the competent authority requesting him either for assignment or for outright sale of the land in question and the authority may consider their application and pass appropriate orders in accordance with law particularly keeping in mind the provision under Section 83 of the Act.

With the above direction, the writ petition is disposed of. No costs.

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08.02.2007

bcj